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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,626	12/02/2003	Masakazu Ogasawara	041465-5214	2015
55694 7590 03/16/2007 DRINKER BIDDLE & REATH (DC) 1500 K STREET, N.W. SUITE 1100 WASHINGTON, DC 20005-1209			EXAMINER HALEY, JOSEPH R	
			ART UNIT 2627	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/724,626	Applicant(s) OGASAWARA, MASAKAZU	
	Examiner Joseph Haley	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US 6898168) in view of Honda et al. (US 7075880).

In regard to claim 1, Kimura et al. teaches an optical apparatus that projects a first light beam having a first wavelength (fig. 1 element 11) and a second light beam having a second wavelength that is different than said first wavelength (element 12) onto an optical recording medium, and that guides a first reflected beam, which is the reflected beam of said first light beam that is reflected from said optical recording medium, and a second reflected beam, which is the reflected beam of said second light beam that is reflected from said optical recording medium, and comprising: a distortion-correction device for correcting the distortion that occurs in said first light beam and first reflected beam, and comprises a stationary optical device (71) and a movable optical device (1); and a light-guiding device that is located between said stationary optical device and movable optical device in the optical path of said first light beam and

said first reflected beam, and guides said first light beam and said second light beam, whose optic axes coincide with each other, to said optical recording device (element 62); and wherein said movable optical device works together with said stationary optical device to correct said distortion, but does not teach where either of these devices convert the light beam into a parallel beam (however Kimura et al. does teach that elements 1 and 4 are for distortion correction).

Honda et al. teaches a movable collimator lens used for distortion correction (see fig. 7 element 113 see also 34 lines 1-10).

The two are analogous art because they both deal with the same field of invention of optical elements in an optical system.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Kimura et al. with the movable collimator lens of Honda et al. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Kimura et al. with the movable collimator lens of Honda et al. because using the single collimator lens of Honda et al. would be more efficient than using the 2 collimator lenses of Kimura et al.

In regard to claim 2, Honda et al. teaches wherein said distortion correction device corrects said distortion and converts said first light beam to a parallel beam (see fig. element 113).

In regard to claim 3, Kimura et al. teaches said stationary optical device converts said first reflected light to light-flux necessary for receiving said first reflected beam (see element 71).

In regard to claim 5, Kimura et al. and Honda et al. teach an optical pickup comprising: an optical apparatus that projects a first light beam having a first wavelength and a second light beam having a second wavelength that is different than said first wavelength onto an optical recording medium, and that guides a first reflected beam, which is the reflected beam of said first light beam that is reflected from said optical recording medium, and a second reflected beam, which is the reflected beam of said second light beam that is reflected from said optical recording medium, and comprising: a distortion-correction device for correcting the distortion that occurs in said first light beam and first reflected beam, and comprises a stationary optical device and a movable optical device; and a light-guiding device that is located between said stationary optical device and movable optical device in the optical path of said first light beam and said first reflected beam, and guides said first light beam and said second light beam, whose optic axes coincide with each other, to said optical recording device; and wherein said movable optical device works together with said stationary optical device to correct said distortion, and converts said second light beam to a parallel beam (see claim 1 rejection above); a first light-beam-emitting device for emitting said first light beam (see Kimura fig. 1 element 11); a second light-beam-emitting device for emitting said second light beam (element 12); a first light-receiving device for receiving said first reflected beam that passes through said optical apparatus, and generating a corresponding first received-light signal (element 41); and a second light-receiving device for receiving said second reflected beam that passes through said optical apparatus, and generating a corresponding second received-light signal (element 42).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. in view of Honda et al. further considered with Tsuji et al. (US 5461500).

In regard to claim 4, Kimura et al. and Honda et al. teach all the elements of claim 4 except said stationary optical device is a polarization hologram that is formed on the incident surface where said first light beam enters said light-guiding device.

Tsuji et al. teaches said stationary optical device is a polarization hologram that is formed on the incident surface where said first light beam enters said light-guiding device (see fig. 2 where Tsuji et al. teaches a $\frac{1}{4}$ wavelength plate formed on a beam splitter).

The three are analogous art because they all deal with the same field of invention of optical elements in an optical system.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Kimura et al. in view of Honda et al. with the formed optical element of Tsuji et al. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Kimura et al. in view of Honda et al. and the formed optical element of Tsuji et al. because forming the $\frac{1}{4}$ waveplate on the beam splitter would take up less space than two separate elements.

Response to Arguments

Applicant's arguments filed 1/3/07 have been fully considered but they are not persuasive. On page 2, paragraph 2, applicant argues the $\frac{1}{4}$ wavelength plate of Kimura does not work together with the moving negative lens of Kimura to correct distortion. However, the examiner maintains this rejection because all of the elements of

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Kimura work together and the end result is distortion correction; therefore, the $\frac{1}{4}$ wavelength plate and negative lens of Kimura work together to correct distortion. There is no understanding within the claim of what specific distortion is being corrected. There are many different kinds of distortion related to optical disc systems such as, spherical and chromatic aberration. Inherently all elements of an optical system are going to serve a purpose of distortion correction, such as the $\frac{1}{4}$ wavelength plates purpose of helping to direct the beams.

Applicant argues on page 2, paragraph 3, that the collimator of Honda is not used for distortion correction. The examiner maintains this rejection because in column 34, lines 1-9, the collimator of Honda is made moveable so as to correct the manner at which the light beam enters the objective lens. Without this correction there would be distortion involved with storage and retrieval of the information.

On page 3, paragraph 4, applicant argues that the polarization hologram of claim 4 acts as a positive lens for the blue-laser beam BL. However this limitation is not included in the claim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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